Calendar No. 118

99TH CONGRESS
1st Session

SENATE

REPORT
99-44

PROVIDING FOR THE APPOINTMENT OF BARNABAS McHENRY AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

MAY 9 (legislative day, APRIL 15), 1985.—Ordered to be printed

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Mr. MATHIAS, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S.J. Res. 81]

The Committee on Rules and Administration, to which was referred the joint resolution (S.J. Res. 81) to provide for the appointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution be agreed to.

Senate Joint Resolution 81 would provide that the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which occurred with the death of William A.M. Burden on October 10, 1984, be filled by the appointment of Barnabas McHenry of New York for the statutory term of 6 years, beginning with the date the resolution of appointment is approved by the President.

The Board of Regents is the governing body of the Smithsonian Institution, a worldwide operation of scientific exploration, education, and display and preservation of irreplaceable artifacts and works of art. The Regents appoint the Chief Operating Officer of the Institution, the Secretary, and he or she serves at the pleasure of the Board. The Regents oversee a staff of over 4,000 people and an annual operating budget of over $250 million, over 40 percent of which comes from nonappropriated funds.

The Board is composed of seventeen members and consists of the Vice President of the United States, the Chief Justice of the United States, three Members of the Senate appointed by the President of the Senate, three Members of the House of Representatives ap-

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pointed by the Speaker of the House, and nine other persons appointed by the joint resolution of the Congress. Of the nine persons who are not Members of Congress, two must be inhabitants of the District of Columbia, and no two of the remaining seven may be inhabitants of the same State. No other member of the Board of Regents is an inhabitant of the State of New York. The other members of the Board of Regents are:

Warren E. Burger, Chief Justice of the United States,
George H.W. Bush, Vice-President of the United States,
Barry Goldwater, Senator from Arizona,
Edwin Jacob (Jake) Garn, Senator from Utah,
James R. Sasser, Senator from Tennessee,
Silvio O. Conte, Representative from Massachusetts,
Norman Y. Mineta, Representative from California,
Edward P. Boland, Representative from Massachusetts,
David C. Acheson, citizen of the District of Columbia,
Anne L. Armstrong, citizen of Texas,
William G. Bowen, citizen of New Jersey,
Jeannine Smith Clark, citizen of the District of Columbia,
Murray Gell-Mann, citizen of California,
A. Leon Higginbotham, Jr., citizen of Pennsylvania,
Carlisle H. Humelsine, citizen of Virginia, and
Samuel Curtis Johnson, citizen of Wisconsin.

The statute establishing the Board of Regents of the Smithsonian Institution does not provide for the submission of nominees by the President of the United States or by any other body. The Smithsonian Board of Regents, however, customarily identifies candidates to fill vacancies on the Board and requests that the Regents who are Members of Congress introduce joint resolutions appointing such persons. Senate Joint Resolution 81 was introduced by Senator Goldwater for himself and Senators Garn and Sasser, the three Senate Members of the Board of Regents. A companion measure, House Joint Resolution 198, was introduced by the House Members of the Board of Regents, Representatives Boland, Conte, and Mineta.

Service as a Regent is gratuitous, except that each member of the Board shall be paid his or her necessry traveling and other actual expenses in attending meetings of the Board.

HEARINGS

A hearing was held on May 2, 1985. Senator Daniel Patrick Moynihan and Robert McCormick Adams, Secretary of the Smithsonian Institution, testified in support of Mr. McHenry's appointment.

COMMITTEE FINDINGS

The committee considers Mr. McHenry to be well qualified to serve as a Regent of the Smithsonian Institution.

COST ESTIMATE

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the committee does not consider that enact-

ment of Senate Joint Resolution 81 would entail any cost to the Government.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee does not consider that enactment of Senate Joint Resolution 81 would have any regulatory impact.

COMMUNICATIONS

A letter in support of Senate Joint Resolution 81, addressed to Senator Charles McC. Mathias, Jr. chairman of the Senate Committee on Rules and Administration, from Phillip S. Hughes, Undersecretary of the Smithsonian Institution, acting for Robert McC. Adams, Secretary, enclosing a biography of Barnabas McHenry, follows:

SMITHSONIAN INSTITUTION,
Washington, DC, April 18, 1985.

Hon. CHARLES McC. MATHIAS, Jr.,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to comment on S.J. Res. 85 to provide for the appointment of Barnabas McHenry as citizen regent of the Board of Regents of the Smithsonian Institution.

Regents and the manner of appointment and terms of office of those other than Members of Congress are set forth in 20 U.S.C. 42 and 43. At its meeting on January 28, 1985, the Board of Regents voted unanimously to request Congressional members of the Board to introduce legislation to provide for the appointment of Mr. McHenry for the statutory term of six years. A vacancy has occurred in the Board's membership because of the death of William A. M. Burden of New York on October 10, 1984.

Mr. McHenry is a resident of New York and has had a distinguished career in law and corporate affairs. He also has been engaged in a number of activities related to museums, the arts, and conservation. A biography of Mr. McHenry is enclosed.

Enactment of S.J. Res. 85 would have no regulatory impact and would entail no cost to the Government. I shall, of course, be happy to furnish any additional information you may require.

Sincerely,

PHILLIP S. HUGHES
(For Robert McC. Adams, Secretary).

Enclosure.

McHenry, Barnabas, publishing company executive, lawyer; born at Harrisburg, Pa., on October 30, 1929; son of William Cecil and Louise (Perkins) McHenry. Married Marie Bannon Jones, December 13, 1952; children: Thomas J.P.; W. H. Davis; John W.H. A.B., Princeton University, 1952; LL.B., Columbia University, 1957. Bar: New York, 1957. Associate at the firm of Lord, Day & Lord, New York City, 1957–62; general counsel for the Reader's Digest Association, Inc., New York City, 1962–, also director; director, Palace-

side Building Corporation, Tokyo. Member, visiting committee on Egyptian art, visiting committee on 20th century art, Metropolitan Museum of Art; member, boards of directors for the Presbyterian Hospital; Boscobel Restoration, Inc., Garrison, NY; High Winds Fund, Inc.; L.A.W. Fund, Inc.; DeWitt Wallace Fund, Inc.; Lakeview Fund, Inc.; Vivian Beaumont Theater; Center for Hudson River Valley; National Corporation Fund for Dance, Inc.; Children's Art Carnival; Reader's Digest Fund for the Blind; Reader's Digest Association, Inc.; trustee, Supreme Court Historical Society; Metropolitan Opera Association; Metropolitan Museum of Art; member, I Tatti Council; Commission for Cultural Affairs of the City of New York; Temporary State Commission on Restoration of the Capitol; trustee, New York Zoological Society; Central Park Conservancy; vice chairman, Presidential Task Force on the Arts and Humanities; member, boards of directors, Hudson River Foundation for Science and Environmental Research; School of American Ballet. Served with the Army of the United States, 1952–54. Member, American and New York State bar associations; Association of the Bar of the City of New York; American Conservation Association (director); Academie des Beaux-Arts; Institut de France (correspondent). Clubs: Century, Sky, Racquet and Tennis (N.Y.C.). Home: 164 East 72d Street, New York, NY 10021. Office: 34th Floor, 200 Park Avenue, New York, NY 10166.

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